IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 986 of 2007
Date of Decision: 23.2.2007

Rajinder ...Petitioner

Versus

Romesh Kumar and another ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri R.S. Manhas, Advocate, for the petitioner.

HEMANT GUPTA, J.

Challenge in the present revision petition is to the order passed by the learned Executing Court on 19.12.2006, whereby objections filed by the present petitioner were dismissed.

The respondent-landlord obtained an order of ejectment against one Jagdish Raj on 30.9.1998. The appeal filed by Jagdish Raj against the order passed by the learned Rent Controller was dismissed on 16.2.2002.

After the decision of the appeal Jagdish Raj-tenant has died. The landlord sought to execute the eviction order against his legal heir i.e. the present petitioner. An objection was raised that the petitioner has been inducted as a tenant by the landlord and, therefore, the petitioner cannot be ordered to be evicted. The learned Executing Court has found that after the death of Jagdish Raj, his legal heir has stepped into his shoes and it is not the case of the petitioner that the possession was delivered to

the decree holder during the lifetime of Jagdish Raj or after his death. Still further, no document has been placed on record regarding tenancy created by them with the decree holder. No such agreement or receipt in respect of the said contention has been filed.

The ejectment order against the father of the petitioner has attained finality on 16.2.2002. Thereafter, the petitioner has come up with the plea of fresh tenancy. There is no document which could even prima-facie show creation of any tenancy with the petitioner. The objections are only to delay the execution of decree passed against his father.

Consequently, I do not find any patent illegality or irregularity in the impugned order, which may warrant interference by this Court in exercise of its revisional jurisdiction.

Hence, the present petition is dismissed.

23-02-2007 (HEMANT GUPTA)
ds JUDGE